

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

CASE NO. \_\_\_\_\_

5TH DIVISION

JANE DOE NO. 5  
Plaintiff,

vs.

BISHOP ANTHONY TAYLOR, as  
Corporate Sole of the CATHOLIC DIOCESE  
OF LITTLE ROCK, BISHOP ANTHONY  
TAYLOR, individually, and JOHN DOE  
INSURANCE COMPANY NO. 1,

Defendants.

60CV2011

1787

FILED 04/13/11 12:06:19  
LARRY CRANE PULASKI CIRCUIT CLERK  
ESB

**COMPLAINT**

Plaintiff, JANE DOE NO. 5, by and through her attorneys, Herman, Mermelstein & Horowitz, P.A., and The Niblock Law Firm, states and alleges as follows:

**PARTIES AND JURISDICTION**

1. This is an action for damages arising from the sexual abuse and exploitation of the Plaintiff by FATHER CHARLES U. KANU, who was living and working as a Roman Catholic priest of the DIOCESE OF LITTLE ROCK during the relevant time period. The sexual abuse and exploitation by KANU occurred during KANU's counseling and religious instruction of the Plaintiff between Spring 2009 and October 2010.

2. This action seeks damages in excess of \$5,000,000.

3. Plaintiff JANE DOE NO. 5 (hereinafter "JANE DOE") is an adult female resident of the State of Arkansas. She brings this Complaint under a pseudonym because she fears further psychological harm and threats to her physical safety if her identity is publicly revealed. Her identity will be made known to the Defendants upon agreement that she will remain confidential.

4. Defendant BISHOP ANTHONY TAYLOR (hereinafter "Bishop Taylor") is the

Corporate Sole of the ROMAN CATHOLIC DIOCESE OF LITTLE ROCK (hereinafter "DIOCESE"), are responsible for the interests of the Roman Catholic Church in Arkansas, including Pulaski and Baxter counties. As Bishop of the DIOCESE, TAYLOR is the highest-ranking authority in the geographic area of the DIOCESE, and is responsible for the administration of the DIOCESE, which includes the supervision and retention of the priests and other clergy working in the DIOCESE.

5. John Doe Insurance Company No. 1 is the liability insurer of the DIOCESE, and is liable for the damages alleged herein to the extent of the amounts provided for in the relevant insurance policy under A.C.A. §23-79-210. The identity of the liability insurer is unknown to the Plaintiff at this time and will be the subject of discovery.

6. TAYLOR resides in Pulaski County, where the principal place of business of the DIOCESE is headquartered. Therefore, venue is proper in Pulaski County.

7. Jurisdiction is proper in Pulaski County Circuit Court.

**SEXUAL ABUSE AND EXPLOITATION OF JANE DOE**

8. Plaintiff was born in 1970. She met FATHER CHARLES U. KANU in approximately May 2008 at St. Peter the Fisherman parish ("St. Peter's") in Mountain Home, Arkansas, where KANU was assigned as a priest. She attended mass and spoke with him about her desire to convert to Roman Catholicism.

9. KANU told her that he would personally prepare her for a conversion to Roman Catholicism. JANE DOE began to meet with KANU regularly to learn about God and the Catholic faith, usually at St. Peter's rectory. During the course of the instruction, KANU also asked questions about JANE DOE's life.

10. KANU provided JANE DOE spiritual instruction and counseling for both her baptism and confirmation in the Roman Catholic Church. She was baptized by KANU in October 2008, and was confirmed by Defendant TAYLOR in November 2008.

11. JANE DOE attended mass at St. Peter's with her children. At times, KANU was the priest who heard her confession. As a Catholic, JANE DOE put her trust and confidence in the DIOCESE's leaders and priests. JANE DOE was led to believe that persons associated with the DIOCESE, including KANU, were safe, unlikely to engage in sexual misconduct, and would be a positive spiritual and moral influence on her and her children.

12. During the course of JANE DOE's instruction, counseling, and confessions, KANU learned sensitive information about JANE DOE, which he later used to manipulate and exploit her into complying with his sexual demands.

13. During one counseling session, JANE DOE expressed concerns about the state of her marriage, and whether she would be allowed to celebrate sacraments if she was to get divorced. KANU reassured her that he, as her priest, would allow her to continue receiving the Eucharist and explained the process of annulment to her. Based upon the assurances of her priest counselor, JANE DOE began divorce proceedings. Around this time, KANU moved the location of their counseling sessions into his private quarters at St. Peter's rectory. The counseling sessions continued throughout the course of Plaintiff's divorce proceedings, and JANE DOE was relieved to have her priest's support and encouragement.

14. In Spring 2009, KANU began touching JANE DOE in a sexual manner during the counseling sessions. KANU told her that not all priests were required to be celibate, and that he never made any such promise when he became a priest. JANE DOE trusted her parish priest and believed him. KANU also warned her not to tell anyone about the sexual contact and became angry when she asked why she could not tell others.

15. In approximately April or May 2009, JANE DOE's husband reported to the parish pastor, Father Jim Fanrak, that he was concerned about the amount of time that his wife was spending at the rectory with KANU. Upon information and belief, upon hearing the husband's concerns, Father Fanrak turned JANE DOE's husband away and refused to discuss KANU any

further.

16. On Easter Sunday, April 12, 2009, JANE DOE attended mass at St. Peter's. KANU approached her and invited her to the rectory to talk. Once in his private quarters, KANU began touching JANE DOE in a sexual manner and eventually led her into his bedroom, where they had intercourse. Afterward, KANU instructed JANE DOE to go to the evening mass. When JANE DOE asked if she should confess the sexual contact before taking communion, KANU informed her that it was not necessary. He told her that "God had a plan for [them] to be together." Again, JANE DOE believed the words of her parish priest and counselor, trusting that he had her best interests in mind. He reiterated that he was living out God's plan for them many times over the next 18 months.

17. In May or June 2009, KANU was transferred to a parish in Helena, Arkansas for undisclosed reasons. On at least two occasions after his transfer, KANU arranged for JANE DOE and him to spend a weekend in Searcy, Arkansas, at a priest-friend's parish rectory. Upon information and belief, the Searcy parish pastor, Father John, was a fellow Nigerian priest and friend of KANU who was aware that KANU was engaging in sexual contact with JANE DOE. Both times, KANU engaged JANE DOE in sexual intercourse in the rectory.

18. JANE DOE also went to Helena on multiple occasions at KANU's request. She stayed in the rectory with him, and KANU always engaged her in sexual intercourse.

19. On at least one visit to Helena, KANU brought JANE DOE to Brinkley, Arkansas, where another Nigerian priest, Father Athanasius Okeiyi, was pastor. Father John, the Searcy pastor, was also there. During that visit, JANE DOE was introduced to a woman that who said she was staying with Fr. Athanasius at his rectory. Upon information and belief, both of the priests were aware that KANU was engaging in sexual contact with JANE DOE at that time.

20. During her visits to Helena, JANE DOE met several parish employees, including

the housekeeper and secretary. Upon information and belief, the housekeeper informed officials at the DIOCESE in early 2010 that she had concerns about the inordinate amount of time JANE DOE was spending at the rectory and that she found JANE DOE's clothes in KANU's hamper.

21. Upon information and belief, in February 2010, while KANU was in Nigeria, Defendant TAYLOR personally called KANU and instructed him to return to the United States immediately in order to discuss the housekeeper's report about JANE DOE. Defendant TAYLOR delegated the investigatory responsibility to a priest who was a good friend of KANU, and who KANU assured JANE DOE "would not cause any trouble for them." No one from the DIOCESE ever contacted JANE DOE to discuss the allegations. Upon information and belief, the priest assigned to investigate KANU was ordered to return to Nigeria two weeks later, after it was discovered that he had an inappropriate sexual relationship with a parishioner.

22. Not long after this February 2010 phone call, Defendant TAYLOR transferred KANU to a parish in North Little Rock, Arkansas. KANU drove to JANE DOE's home to meet with her and her children for counseling and guidance several times. He continued to engage JANE DOE in sexual contact during this time. KANU reiterated that their "love" was part of God's plan for them. Since he was her priest and counselor, JANE DOE believed him.

23. The last incident of sexual contact occurred in October 2010. KANU came to the DOE family home to anoint JANE DOE's daughter and pray over her while she was ill. During this visit, he again engaged JANE DOE in sexual contact.

24. During this time period, JANE DOE was in a counseling relationship with KANU. She continued to seek religious and spiritual guidance from KANU as a Roman Catholic priest. He repeatedly told her that their sexual relationship was to her benefit and was part of God's plan for the two of them. He exerted tremendous influence over her as her counselor and a Roman Catholic priest. She placed her trust and confidence in him as a priest of the DIOCESE.

25. Upon information and belief, KANU sexually abused and exploited other women before, during, and after the time he sexually abused and exploited JANE DOE. Upon information and belief, the DIOCESE and TAYLOR knew or, through the exercise of reasonable care, should have known that KANU was a sexual predator, yet they took no action to protect JANE DOE or other women from him. They failed to warn JANE DOE or others outside the inner sanctum of the DIOCESE about KANU's propensity to sexually abuse and exploit his parishioners.

26. Despite actual or constructive knowledge of KANU's deviant sexual interests or behaviors with JANE DOE and other women, the DIOCESE and TAYLOR undertook no meaningful investigation or responsive action against KANU whatsoever, and continued to give him unfettered access to vulnerable parishioners, including JANE DOE. The DIOCESE and TAYLOR each represented to parishioners that KANU was a fit, competent, and safe man to provide spiritual guidance and counseling on behalf of the DIOCESE by virtue of placing KANU in a sacred position of trust and authority as a priest.

27. The DIOCESE and TAYLOR placed KANU in a position to do harm to parishioners, including JANE DOE, by virtue of his roles as a parish priest. KANU used his position to identify potential victims, and to gain the trust of his victims. It was reasonably foreseeable to the DIOCESE and TAYLOR that KANU would use his position as a priest to sexually abuse and exploit parishioners, especially in light of the fact that TAYLOR apparently personally received information that KANU was engaging in inappropriate conduct with JANE DOE.

28. Despite the actual and constructive knowledge of KANU's propensity to sexually abuse and exploit his parishioners, the DIOCESE and TAYLOR each failed to take remedial action, report this information about KANU's criminal activities to authorities, or to disclose it to anyone else in a position to protect JANE.

29. The DIOCESE and TAYLOR created a foreseeable zone of risk of sexual abuse and exploitation by KANU for JANE DOE, specifically, and female parishioners generally. Despite this, TAYLOR and the DIOCESE failed to take necessary precautions to warn JANE DOE about KANU's propensity to sexually abuse his counselees; failed to adequately supervise KANU; and failed to otherwise act to lessen the risk that KANU would sexually abuse and exploit JANE DOE.

**COUNT I**  
**NEGLIGENCE-**  
**BISHOP ANTHONY TAYLOR, AS CORPORATE SOLE**  
**OF THE DIOCESE OF LITTLE ROCK**

30. Plaintiff repeats and realleges Paragraphs 1 through 30 above.

31. At all material times, DIOCESE, by and through TAYLOR as its corporate sole, owed a duty to JANE DOE to use reasonable care to protect the safety, care, well being and health of JANE DOE while she was under the care, custody or in the presence of the DIOCESE. These duties encompassed the retention and supervision of KANU and otherwise providing a safe environment for JANE DOE.

32. The DIOCESE, by and through TAYLOR as its corporate sole, had a special relationship with KANU as principal and agent, such that the DIOCESE controlled the means and manner of the performance of KANU's job duties, including his conduct with JANE DOE during spiritual instruction and counseling. Given actual or constructive knowledge of KANU's dangerous propensities, the DIOCESE had a duty to adequately supervise and otherwise control KANU's conduct such that he would not sexually abuse JANE DOE or other parishioners it placed in the zone of danger.

33. The DIOCESE, by and through TAYLOR as its corporate sole, had a special relationship with JANE DOE and her family in the parish-parishioner relationship. JANE DOE's instruction and counseling were directly related to the business and interests of the

DIOCESE. The DIOCESE and its agents had superior knowledge of KANU's propensities to sexually abuse his counselees and had a duty to take precautions to lessen the risk that JANE DOE would be sexually abused by KANU, including, but not limited to, warning JANE DOE of KANU's dangerous propensities.

34. The DIOCESE, by and through TAYLOR as its corporate sole, breached these duties by failing to protect JANE DOE from sexual assault and lewd and lascivious acts committed by KANU while he was the agent and employee of the DIOCESE.

35. The DIOCESE, by and through TAYLOR as its corporate sole, affirmed and ratified KANU's illegal and intentional conduct with JANE DOE despite actual and constructive knowledge of the harmful acts committed by its agent, KANU.

36. At all relevant times, the DIOCESE, by and through TAYLOR as its corporate sole, knew or in the exercise of reasonable care should have known that KANU was unfit, dangerous, and a threat to the health, safety and welfare of the counselees/parishioners entrusted to his counsel, care and protection, including JANE DOE specifically.

37. Given the actual and constructive knowledge of KANU's propensity to sexually abuse his parishioners, the sexual abuse and exploitation of JANE DOE was reasonably foreseeable to the DIOCESE.

38. With such actual or constructive knowledge, the DIOCESE, by and through TAYLOR as its corporate sole, provided KANU unfettered access to JANE DOE. Despite knowing that vulnerable parishioners at KANU's parish were in the zone of foreseeable risk for sexual abuse by KANU, the DIOCESE failed to take necessary precautions to lessen that risk.

39. At all relevant times, the DIOCESE created an environment which fostered sexual abuse and exploitation against the parishioners it had a duty to protect, including JANE DOE.

40. At all relevant times, the DIOCESE had inadequate policies and procedures to protect parishioners entrusted to its care and protection, including JANE DOE.



41. As a direct and proximate result of the negligence of the DIOCESE, by and through TAYLOR as its corporate sole, JANE DOE suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

42. The DIOCESE, by and through TAYLOR as its corporate sole, knew or should have known that its conduct would naturally and probably result in injury and damages to a third party but it continued its conduct with malice or in reckless disregard of the consequences.

WHEREFORE, Plaintiff JANE DOE demands judgment against BISHOP ANTHONY TAYLOR AS CORPORATE SOLE OF THE DIOCESE OF LITTLE ROCK for compensatory damages, costs and such other and further relief as this Court deems proper.

**COUNT II**  
**NEGLIGENCE-**  
**BISHOP ANTHONY TAYLOR, INDIVIDUALLY**

43. Plaintiff repeats and realleges Paragraphs 1 through 30 above.

44. At all material times, TAYLOR was the supervisor and highest-ranking officer of the DIOCESE who was personally responsible for the supervision and retention of KANU.

45. At all relevant times, TAYLOR personally knew, or, through the exercise of reasonable care, should have known, that that his agent's conduct would subject a third party, including JANE DOE specifically and vulnerable female parishioners generally, to a risk of harm.

46. At all material times, TAYLOR owed a duty to JANE DOE to use reasonable care to protect her safety, care, well being and health while she was under the care, custody or in the presence of KANU. These duties encompassed the retention and supervision of KANU as JANE DOE's spiritual counselor and instructor.

47. TAYLOR had a special relationship with JANE DOE and her family as bishop-priest and parishioner. TAYLOR had superior knowledge of KANU's propensities and had a

duty to take precautions to lessen the risk that JANE DOE would be sexually abused by KANU, including, but not limited to, investigating the information he personally received that KANU was sexually exploiting JANE DOE.

48. TAYLOR breached these duties by failing to protect JANE DOE from sexual assault and lewd and lascivious acts committed by KANU.

49. At all relevant times, TAYLOR knew or in the exercise of reasonable care should have known that KANU was unfit, dangerous, and a threat to the health, safety and welfare of JANE DOE and other vulnerable parishioners entrusted to his counsel, care and protection.

50. Given the actual and constructive knowledge by TAYLOR of KANU's propensity to sexually abuse his parishioners, including JANE DOE specifically, the sexual abuse of JANE DOE was reasonably foreseeable to TAYLOR.

51. With such actual or constructive knowledge, TAYLOR provided KANU with total, unrestricted access to JANE DOE. Despite knowing that JANE DOE was in the zone of foreseeable risk for sexual abuse by KANU, TAYLOR failed to take necessary precautions to lessen that risk.

52. At all relevant times, TAYLOR personally created an environment which fostered sexual abuse against the parishioners it had a duty to protect, including JANE DOE.

53. At all relevant times, TAYLOR disregarded or failed to investigate information he had that KANU was sexually abusing and exploiting JANE DOE.

54. As a direct and proximate result of TAYLOR's negligence, JANE DOE suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

55. TAYLOR knew or should have known that his conduct would naturally and probably result in injury and damages to a third party, and JANE DOE specifically, but he continued his conduct with malice or in reckless disregard of the consequences.

WHEREFORE, Plaintiff JANE DOE demands judgment against BISHOP ANTHONY TAYLOR, individually, for compensatory damages, costs and such other and further relief as this Court deems proper.

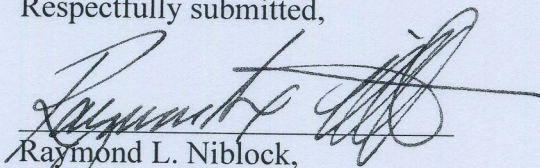
**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial in this action.

Dated: April 13<sup>th</sup>, 2011.

Respectfully submitted,

By:



Raymond L. Niblock,  
Ark. Bar. 94106  
[rniblock@niblocklawfirm.com](mailto:rniblock@niblocklawfirm.com)  
THE NIBLOCK LAW FIRM, PLC  
324 North College Avenue  
Fayetteville, Arkansas 72701  
Tel: (479) 521-5510  
Fax: (479) 479-444-7608  
[www.niblocklawfirm.com](http://www.niblocklawfirm.com)

-and-

Adam D. Horowitz  
[ahorowitz@hermanlaw.com](mailto:ahorowitz@hermanlaw.com)  
(pending *pro hac vice* admission)  
Jessica D. Arbour  
[jarbour@hermanlaw.com](mailto:jarbour@hermanlaw.com)  
(pending *pro hac vice* admission)  
HERMAN, MERMELSTEIN & HOROWITZ, P.A.  
18205 Biscayne Blvd.  
Suite 2218  
Miami, Florida 33160  
Tel: 305-931-2200  
Fax: 305-931-0877